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9 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

10  
11 DANIEL HARRINGTON and PAMELLA  
HARRINGTON, Husband and Wife;

12 Plaintiffs,

13 v.

14 DAVID TACKETT; an individual AND  
15 DOES 1 – 10, inclusive,

16 Defendants.

Case No.: 3:18-cv-00028-MMD-WGC

**JOINT STIPULATION AND**  
**ORDER TO SECURE**  
**ORE**

17 Plaintiffs Daniel Harrington and Pamela Harrington (the "Harringtons"), by and through  
18 their attorneys, Dickinson Wright PLLC, and Defendant David Tackett ("Mr. Tackett"), by and  
19 through his attorneys, Fahrendorf, Viloria, Oliphant & Oster LLP (collectively, the "Parties"),  
20 stipulate and agree as follows:

21 1. The claim in this case arises from and relates to approximately 130,000 pounds  
22 of No. 8 Turquoise, approximately four-and-a-half additional super-sacks of No. 8 Turquoise,  
23 and any No. 8 Turquoise still needing to be collected from the No. 8 Mine in Eureka County,  
24 Nevada ("Subject Ore").  
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2. On or about August 25, 2018, the Parties executed a hand-written document (the "Document") that included terms related to the potential sale of the Subject Ore from the Harringtons to Mr. Tackett. See ECF No. 1, at p. 7.

3. In part, the Document provides that "David Tackett will be providing documentation from the Courts that he is rightful owner of rock and this agreement will provide amnesty to any claims against Harringtons." Id.

4. Mr. Tackett took possession of the approximate 130,000 pounds of No. 8 Turquoise on August 25, 2018. The ore is currently being stored at Mr. Tackett's business in covered storage located at 2711 East Laken Dr., Flagstaff, Arizona 86004.

5. The Parties dispute ownership of the Subject Ore in that the Harringtons and Mr. Tackett both claim legal title to the Subject Ore.

6. Until ownership of the Subject Ore and resolution of this litigation is determined, the Parties desire to maintain the status quo regarding the possession and condition of the Subject Ore, until the claim and ownership are decided on the merits and/or further order of the Court.

The Court being fully apprised of the circumstances, good cause appearing, and having found that the joint stipulation is well-taking, it is hereby ORDERED, ADJUDGED and DECREED as follows:

i. Mr. Tackett shall maintain the approximate 130,000 pounds of No. 8 Turquoise in the covered storage at his business located at 2711 East Laken Dr., Flagstaff, Arizona 86004 throughout the pendency of this litigation.

ii. The Harringtons shall maintain the approximately four-and-a-half super sacks of No. 8 Turquoise at their residence throughout the pendency of this litigation.

iii. Each Party shall allow the opposing Party to inspect, photograph and weigh the Subject Ore held at the respective locations at a mutually convenient time.

1           iv.     The Parties shall not transfer, sell, or otherwise dispose of the Subject Ore in their  
2     respective possession throughout the pendency of this litigation.  
3  
4  
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6     DATED this 9th day of May, 2018.

7                     DATED this 9<sup>TH</sup> day of May, 2018.

8     DICKINSON WRIGHT PLLC

9                     FAHRENDORF, VILORIA, OLIPHANT  
10                    & OSTER L.L.P.

11                      
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Attorneys for Defendant

**ORDER**

IT IS SO ORDERED.

DATED: May 10, 2018

22                      
23     United States Magistrate Judge